# CLERK, U.S. DISTRICT COURT UNITED STATES DISTRICT OF NEW JERSEY DISTRICT OF NEW JERSEY RECEIVED

IN RE JOHNSON & JOHNSON DERIVATIVE LITIGATION

2012 SEP 24 PM 2 30 Civil Action No. 10-2033 (FLW)

IN RE JOHNSON & JOHNSON FCPA SHAREHOLDER DERIVATIVE LITIGATION

Civil Action No. 11-2511 (FLW)

COPELAND v. PRINCE, ET AL.

Civil Action No. 11-4993 (FLW)

Judge Freda L. Wolfson Date: September 28, 2012

Time: 10:00 a.m. Courtroom: 5E

### ORAL ARGUMENT NOT REQUESTED

# OBJECTION OF ROBERT D. STUART TO SETTLEMENT, ATTORNEYS' FEES AND MOTION TO DELAY SETTLEMENT HEARING

Robert D. Stuart 1210 N. Taft St., Apt 606 Arlington VA, 22201 603 238-7300 robstuart33@gmail.com

CALL OF FRENCH CHEST WALL BOLD

grafication of A.Dell Hopping C.G. Colors and

#### **OBJECTION TO SETTLEMENT**

- 1. I, Robert D. Stuart, of 1210 North Taft Street, #606, Arlington, Virginia 22201, 603 238-7300, was, on July 11, 2012, a shareholder in Johnson & Johnson.
- 2. I purchased, through my broker Fidelity Investments, 50 shares of Johnson & Johnson on June 18, 2012. See Attachment A.
- 3. I continue to own the shares today.
- 4. I received the "Notice of Proposed Settlement of Derivative Actions" for the above referenced cases, dated, July 26, 2012 on Tuesday, September 18, 2012 via mail in my mailbox. I check my mailbox daily and have done so consistently for the past month.
- 5. The notice was mailed to my correct address, was not postdated, and there was no evidence or notice that this mailing was sent to the wrong address. See Copy of front page of mailing, Attachment B.
- 6. The notice states on page 10 that if I object to any portion of this proposed settlement that my letter of objection must "arrive no later than September 14, 2012...to be considered." It goes on, "If your objection is not received in a timely manner, the Court may deem it waived and may not consider it."
- 7. As a shareholder in Johnson & Johnson, I hereby object to the proposed settlement offer on the basis that the settlement is not in my interest as a shareholder because the company does not appear to benefit and I object to the amount of attorneys' fees agreed to in the in settlement as too high.
- 8. I pray this Honorable Court does not deem my objection waived because it was not submitted by September 14, 2012.
- 9. I have had insufficient time to review the issues, but by just reading the proposed settlement offer summary mailed to me, it appears that everything the company agrees to would be accomplished whether they settle this case or not. For this reason, I believe this settlement should be rejected for the benefit of the shareholders of Johnson & Johnson.
- 10. Because I only received the notice on September 18, 2012, (4 calendar days after my objections were due), I reserve the right to submit additional objections or amend this objection when I have had sufficient notice and time to review the proposed settlement.

- 11. My second objection is to the outrageously high attorneys' fees this settlement proposes. On its face, it cannot be in the shareholder's best interest to pay such large fees for a result that the company is going to perform whether they settle this case or not.
- 12. Again, based on the limited time afforded to me, I reserve the right to amend my objection once I have had sufficient notice and time to properly evaluate the merits of this proposed settlement and fee agreement.

MOTION TO DELAY THIS SETTLEMENT HEARING UNTIL SUCH TIME THAT SUFFICIENT NOTICE HAS BEEN PROVIDED TO ALL SHAREHOLDERS OF JOHNSON & JOHNSON

- 13. I move for this Honorable Court to delay this hearing until parties send an additional notice to all shareholders that they still have time to submit objections to this proposed settlement and to the proposed attorneys' fees.
- 14. Merely delaying this hearing, without resending the notice to shareholders, is insufficient because many shareholders may believe, based upon the wording in this notice, that their rights to object have already been waived.
- 15. The punishment of the parties for failing to ensure delivery of the notice in a timely manner should not rest on the shoulders of unknowing shareholders.
- 16. Thousands of shareholders may object this settlement, but, in this case, it will not be known and may not be heard because it is not known how many shareholders received this notice just before, on, or after September 14, 2012.
- 17. This Honorable Court should order the parties to deliver a new notice of the proposed settlement so that it can ensure that shareholders are provided their lawful rights to object to this settlement.

Based upon the above mention facts, I object to this settlement on it merits, to the proposed attorneys' fees, and request that this hearing be delayed until such time that this Honorable Court is assured that every shareholder has been provided timely notice of their ability to object.

I am unable to attend the hearing in person but would be available for testimony via telephone if this Honorable Court requires anymore from me.

Respectfully submitted on this date, September 18, 2012,

Robert D. Stuart

#### **CERTIFICATE OF SERVICE**

I certify that I caused to be served via first class mail a copy of this Objection and

Motion to Continue to the following:

Clerk of Court U.S. District Court for the District of New Jersey Clarkson S. Fisher Building & U.S. Courthouse 402 East State Street, Room 2020 Trenton, NJ 08608

Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C. Attn: James E. Cecchi 5 Becker Farm Road Roseland, NJ 07068

Kantrowitz, Goldhamer & Graifman, P.C. Attn: Gary Graifman 210 Summit Avenue Montvale, NJ 07645

Patterson Belknap Webb & Tyler Attn: Erik Haas 1133 Avenue of the Americas New York, NY 10036

Sidley Austin LLP Attn: Kristen R. Seeger One South Dearborn Street Chicago, IL 60603

I declare under penalty of perjury that the foregoing is true and correct.

Dated September 18, 2012

Robert D. Stuart 1210 N. Taft St., Apt 606

Arlington VA, 22201

603 238-7300

robstuart33@gmail.com

## Attachment A

Transaction Confirmation Confirm Date: June 18, 2012

Page 2 of 2

Brokerage Account Number 211-628956 IRA - ROLLOVER

#### **ROBERT DOUGLAS STUART**

REFERENCE NO. 2170-0CM2VK	TYPE 1	REG.REP. W##	TRADE DATE 06-18-12	SETTLEMENT DATE 06-21-12	cusip No. 478160104	ORDER NO. 12170 - NROWT	ORIG.	
u Bought at mbol: JNJ	50 66.30		SECURITY DESCRIPTION AND DISCLOSURES JOHNSON & JOHNSON WE HAVE ACTED AS AGENT.			Principal Amount Commission Settlement Amount		3,315.00 7.95 3,322.95
REFERENCE NO. 170-0CL9JB	TYPE 1	REG.REP. W##	TRADE DATE 06-18-12	SETTLEMENT DATE 06-21-12	cusip No. 74347R107	ORDER NO. 12170 - NJ1VZ	ORIG.	
u Bought at mbol: SSO	1 <sup>5</sup> .		PROSHARES ULTRA S&P 500 PROSHARES WE HAVE ACTED AS AGENT. PURCHASE SUBJECT TO DESIGNATED INVESTMENTS AGREEMENT. READ PROSPECTUS AND MONITOR HOLDINGS DAILY. PARTIAL EXECUTION			Principal Amount Commission Settlement Amount		583.55 7.95 591.50
REFERENCE NO.	TYPE	REG.REP. W##	TRADE DATE 06-18-12	SETTLEMENT DATE	cusip No. 74347R107	ORDER NO. 12170-NJ1VZ	ORIG.	
u Bought at mbol: SSO	79 53.059		SECURITY DESCRIPTION AND DISCLOSURES PROSHARES ULTRA S&P 500 PROSHARES WE HAVE ACTED AS AGENT. PURCHASE SUBJECT TO DESIGNATED INVESTMENTS AGREEMENT. READ PROSPECTUS AND MONITOR HOLDINGS DAILY. PARTIAL EXECUTION			Principal Amount Settlement Amount		4,191.66 4,191.66
REFERENCE NO.	ТҮРЕ	REG.REP. W##	TRADE DATE 06-18-12	SETTLEMENT DATE 06-21-12	cusip No. 74347X799	ORDER NO. 12170 - NMSCZ	ORIG.	
u Bought at mbol: URTY	90 53.8299		SECURITY DESCRIPTION and DISCLOSURES PROSHARES TR ULTRAPRO RUSSELL2000 WE HAVE ACTED AS AGENT.			Principal Amount Commission Settlement Amount		4,844.69 7.95 4,852.64
9900031205		,	ALL ORDERS	ARE UNSOLICIT	ED UNLESS S	PECIFIED ABOVE		

REMITTANCE COUPON

Attachment B

Johnson & Clanason 10-cv-02033-FLW-DEA Document 206 Filed 09/24/12 Page 8 of 9 Page ID: 6334 c/o Computershare PO Box 43004 PRESORTED STANDARD

Providence, RI 02940-3004

STANDARD
U.S POSTAGE
PAID
Computershare

ladadaladdlaaadladdaladalladladdalladadl

JNJ

040233

33-FLW-DEA Document 206 Filed 09/24/12 Page 9

Clarkson S. Fisher Building and US. Courthweek
402 Fast State St, Rm 2020 U.S. District Court for the District of New Yersey

TAME TICK AND CE

THE WAY CHI

Trenton, NS 08608

Thenton, NS 08608

Milling Milling